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Jury Gives Verdict Of Not Guilty In Morris "Manslaughter" Trial

Case Of Crown vs. J. D. Morris Ends When Judge
Acquits Accused After Jury's Verdict Is
Announced; Morris Is Freed

JUDGE GIVES JURY FOUR QUESTIONS TO ANSWER TO REACH DECISION

After considering the evidence of both sides for 35 minutes, the five members of the jury returned to the courtroom of H.B.M. Supreme Court yesterday evening and gave a verdict of "Not Guilty" in the case of the Crown versus John Dudley Morris, an inspector of the Public Health Department who was charged with the manslaughter of Ting Shu-cheng, a Chinese brothel-keeper on the night of September 8, last.

The case lasted another full day yesterday, finally ending at 5.40 p.m. when the jurymen filed back into their seats and gave the Judge their decision. The Judge, Sir Allan Mossop, thereupon said, "John Dudley Morris you are discharged," and the former prisoner left the dock, automatically becoming a completely free man again.

The Judge facilitated the task of the jury considerably by giving them a list of questions which they were to ask themselves about the accused. If they answered any one of the questions, which were to be taken in order, in the favour of the accused, he would not be guilty of manslaughter. The questions were:—

- 1.—"Did the accused strike the deceased?"
- 2.—"Did the accused cause or accelerate the death of the deceased?"
- 3.—"Was the accused who struck the blows, doing so in self-defence?"
- 4.—"Did the accused, when he struck the said blows, use more force than was necessary in self-defence?"

Judge's Comments

By answering one of these questions in favour of the accused, the verdict would have to be "Not Guilty" and the charge against the prisoner dismissed. The Judge gave the jurymen certain advice before they retired to consider the verdict. He told them that "as regards the facts of the case, that is for you to decide. You are the sole arbiters of the case, and I am only here to direct you on the questions of law. But there is one thing which I must remind you about. It is the onus of proof. The onus of proof is always on the Crown, and never shifts to the accused. No matter what the charge, the principal for the prosecution must prove beyond all reasonable doubt that the accused is guilty of the charge. If you are left in any reasonable doubt, then you have to give the accused the benefit of that doubt."

The Judge had also previously weighed up the evidence for the prosecution and that for the defence, and informed the jury of certain legal points concerning manslaughter charges. He warned them that the use of force was lawful when used in self-defence, but that no man had the right to shorten, even by an hour, the life of another.

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Lawyers Sum Up

Mr. John McNeill, the counsel for the Crown, and Mr. H. A. Reeks, for the defence, advanced arguments to the jury as they summed up their cases. The counsel for the Crown said to the jury that there could be no reasonable doubt in anybody's mind that Ting did die as a result of a blow. Morris, he said, admitted striking the man in all his statements and Mr. McNeill submitted that the deceased died as a result of being struck by the accused.

Mr. McNeill then proceeded to compare certain points of the evidence of Max Kopstein, the Jewish refugee, and Morris. He said that their testimonies were remarkably similar, the story of Kopstein being exactly the same as that of the accused except that the latter had missed the visit to Lane 74 Baikal Road and the events which occurred in that lane, right out of his story, taking it up again at the point where the accused and the other members of the trio parted company.

Instead of saying that on their way home, all three visited Lane 74 and entered House 68 and then came down Lane 73 to Wayside Road where they parted company, Mr. McNeill alleged that the accused missed this whole incident out of his story and stated that on their way home, when they reached the entrance of Lane 73, he left the other two, who went up the alleyway. Mr. McNeill asked the jury to accept the stories of the witnesses who stated that Morris struck the deceased just outside House 68 after he and his two friends had visited it.

Case For Defence

Mr. H. A. Reeks, for the defence, addressing the jury, said that if they believed that the accused returned unwillingly to the scene at the invitation of Kopstein to help Lee, who was in trouble, and struck the blows in self-defence, they should acquit him. The accused, he pointed out, came to the rescue of his friends and struck the blows in self-defence as he was soon surrounded by a hostile crowd. In such a crowd, one did not strike out with all one's strength, but merely kept one's assailants at bay.

This case started in the British Police Court soon after the incident occurred on September 8-9. After continuing in that court for about a month, Morris was committed for trial in the higher court before a Judge and jury. Yesterday many witnesses, who had previously testified in the Police Court gave evidence and re-told their stories. Inspector Cumming, Detective Sergeant Craig and Sergeant Meyer of the S.M.P. all were in the witness box yesterday, and then Morris took the stand. He re-told his story as told to D. S. Craig about an hour after the fight, as related in his written statement made that night in the Police Station before In-

spector Cumming and as told in the Police Court before the magistrate.

After his examination by counsel for the defence, Morris was cross-examined by Mr. McNeill. He asked the accused why he chose the Wayside route home. Morris replied "Because it was nearer for them."

"Not nearer for you, was it?" Mr. McNeill asked.

"No, but more convenient," the accused replied and explained that parts of Baikal and Yangtzepoo Roads were blocked by obstructions placed there by the Japanese. Mr. McNeill tried to prove by his questions that Morris had taken the other way home via Baikal Road, and that he had entered Lane 74 with the other two and later left them at the entrance of Lane 73.

Morris also alleged during cross-examination that the Chinese witnesses and Kopstein had been told a story to tell by the Japanese, and he stated as an example, that Kopstein had been kept on rice and water by the Japanese until he signed a statement dictated by the Japanese. Morris also had been forced to sign a statement dictated by the Japanese at the Whashing Road Naval Office. Inspector Cumming corroborated this in his evidence.

1939

Briton Faces Manslaughter Charge in H.M. Court

**J. D. Morris Hears Prosecution Witnesses
Before Jury; Counsel Objects to Jurymen**

JOHN Dudley Morris, a 36 years old Briton employed at the Chusan Road branch of the S.M.C. Public Health Dept., faced a charge of manslaughter before a jury in H.M. Supreme Court yesterday. Heard before Sir Allan Mossop, Chief Judge, the trial of Morris followed a lengthy preliminary hearing in H.M. Police Court in September when he was charged with the manslaughter of Song Kyung-dan, alias Ting Tszu-sung, whose death had taken place, according to the prosecution, during a brawl in a lane off Baikal Road in the early hours of September 9. As the names of the jurymen were being announced by Mr. C. H. Haines, H. M. Registrar, before the opening of the trial, an objection was lodged by Mr. H. A. Reeks, on behalf of accused, to Mr. A. P. Nazer, whose name was struck off. The five members of the jury were: Messrs. J. Ward, L. E. Illingworth, H. C. F. Aris, S. S. Saver and H. Cadd.

In his opening, Mr. John McNeill, the Crown Advocate, who prosecuted on behalf of the Crown, outlined the events leading up to the scene in the alleyway where the Chinese had died. He stated that the accused had been detained by the Japanese Naval Landing Party until 5 p.m. on the following day, when he had been released and taken to a police station. Kopstein, a German-Jewish refugee, who was stated to have been with Morris at the time, was also detained by the Japanese Naval Landing Party, and Lee, a Chinese, who was also alleged to have been present, was still under detention so far as he knew.

The first witness to be called was Torrey William Robert Wilson, employed in the Land Office of the Public Works Dept., S.M.C. He testified that plans (produced) had been made under his supervision. Max Kopstein, the next witness, told the Court that at about 8 o'clock on the evening of September 8 he was in the Café Colibri, 18 Broadway, with Lee, a Chinese employed by the S.M.C. in the office of accused.

Visits to Cafes

Morris and a friend, whose name he did not know, then entered and sat with them at the table. After having some beer they all left the café at about 10.30 p.m. and proceeded to Hongkew Police Station where they had several drinks of beer in the canteen. Leaving the canteen when it closed, Morris, Lee and himself then went to the Café Caricola, which was on Broadway, opposite Wayside Post Office.

After drinking beer they left this place at about midnight, walked along Baikal Road and into a lane on the right side. He could not remember whether Morris or Lee opened a door in the lane about 100 steps from the entrance, but either Morris or Lee opened the door of a house. All three went a few steps inside the house and at once walked back.

Lee
Ward

Witness walked in front and he thought that Morris and Lee would follow. When he turned around he saw that Morris was hitting a Chinese on the mouth. He did not know whether the Chinese fell accidentally or whether the force of the blow knocked him down, but he fell to the ground. He added that when they had gone into the house he had seen several girls, while the man whom he had seen Morris strike was sweeping the floor. He saw nobody else. The girls were prostitutes, he said.

Three or Four Times

Kopstein stated that he saw Morris strike the man three or four times and at the time of the striking there was a Chinese hawker in the lane. When the Chinese fell to the ground all three of them walked out of the lane, back to Baikal Road and entered a lane on the opposite side of the road. Then they walked towards Baikal Road.

At Wayside Road Morris bade them goodnight and witness suggested that he and Lee should walk back to the lane to see what had happened to the Chinese. When they reached Baikal Road between the two lanes, several Chinese jumped on Lee and started to hit him. As he could not help, there being so many Chinese present, witness ran along Baikal Road to get help. At the corner of Studley Avenue and Baikal Road he saw Morris and told him that Lee was being assaulted.

Morris went unwillingly and, at the entrance to Lane 74, pushed the Chinese aside and said "Stop it." The Chinese then held Morris and himself by their hands. Foreign Sergeant 63 of the Shanghai Municipal Police then came on the scene. Kopstein continued, and asked what was the matter. He told witness to go to Wayside Police Station. Also present were another young man who came with the sergeant and several Japanese. The sergeant went away, he continued.

The conversation had taken place in the entrance of the lane where the Chinese was lying, he said, when the sergeant had gone, some Japanese came on the scene and they walked further back into the lane to see the body which was not lying at the exact spot where it had fallen but opposite to the place. A number of Japanese marines, officers and policemen, then went into a Chinese house with the three of them and there they stayed all night. At noon on September 9 they were marched to the Gendarmerie quarters.

Previous Statements

Cross-examined by Mr. Reeks, Kopstein said he worked in the Jewish Refugee Camp on Ward Road and during the course of the past few months had worked with Morris. He stated that he had never been to a brothel with Morris. Mr. Reeks then drew Kopstein's attention to a statement he had made in the Police Court as follows: "We turned right into a lane. I do not know which lane or number, I cannot remember exactly what happened there as we were drunk."

"Is that statement correct?" asked Mr. Reeks. "I cannot remember exactly what happened or followed as we were drunk and I gave evidence as far as I knew," Kopstein replied. The Chinese, he added, was hit by Morris three or four times. When they had been in the café they had not decided to go to a brothel and nobody had said anything to him about going to one of these places. Asked why he had turned away from his home to enter the lane, he said he had merely followed the others. Mr. Reeks then questioned Kopstein about a statement which, he said, had been made by witness in his office after he had been asked if Morris had been with him when he went to the brothel, as follows: "I can't remember. My memory is a blank." In

Court Kopstein stated that he had said this as he did not want to state anything about the affair. Everybody was asking questions, he said, he had already given a statement to Inspector Cumming. "You replied to me," said Kopstein to Mr. Reeks, "we will see one another again."

Rice and Water

"Was it not a condition of your release," asked Mr. Reeks, "that you made a statement?" "I was told that if I could remember I could go home at once," replied witness. "Before I met Inspector Cumming I was told by a Japanese detective that I could go home if I gave evidence." Witness said that he was released on the 10th, and altered this to the 19th, stating that he had made a mistake. Upon being released he telephoned Mr. Morris who had left two telephone numbers. He met Morris, who told him that he was facing a charge of manslaughter and he was asked to give evidence and to go and see Mr. Reeks.

Mr. Reeks—Did you not tell Morris that you had been confined in a room with fifteen Chinese and had had foreign food only on one occasion?—I never had foreign food. It was always Chinese rice and water.

Mr. Reeks—Did you tell him that you had been questioned daily, and that you had refused to make a statement as you had no recollection of the incident?—I did not want to make a statement as I thought I could get free without making a statement.

"White is Black"

"Did you state that you asked again and again about your release and that you were told that you would be released if you made a statement?" said Mr. Reeks. "Did you tell Morris that they stood you opposite Lee, face to face, and then asked him questions, that you had been told the details of what had occurred day after day, that you said if anybody were told day after day for nine days that white is black and if any one were kept on rice and water for nine days then one would agree that white was black?" "Yes, I said that," said Kopstein, "but I meant that even if I knew nothing I would have to give a statement in order to get free."

Before his release, he stated, he was given a paper to sign which was translated by a Japanese that he would never come back to the gaol of the Japanese.

"It seems to be a futile promise when they take you there," stated His Lordship.

Witness still stated that he could not remember clearly what happened after they had left the Café Carioca. When they had been alone in the Chinese house in the lane after the affair witness stated that Morris told him to say that they had gone along Wayside Road.

Doctor's Evidence

In the afternoon Dr. E. G. Gauntlett gave evidence that there had been an abraded wound on the red margin of the dead man's upper lip and some clot and a small wound beneath it in the mouth. The right side of the chest had been filled with blood which, after an examination, was seen to have come from a large aneurism or dilation of the aorta, the main artery of the body. The aneurism had been caused by an old standing disease of the walls of the artery. Almost invariably death in these cases occurred from rupture or internal hemorrhage caused by a fall, a blow or sudden excitement or any strain such as lifting a weight or hurrying. It would have been impossible for the man to have lived more than one or two months, he said.

A nephew of the dead man said that Morris, another foreigner and a Chinese entered his uncle's brothel and asked for girls. After seeing a girl the Chinese slapped his master's face while the foreigner seized him by his dress. The Chinese then pushed his uncle to the back door and as witness was greatly frightened, he ran away to a small shop on Yangtzepoo Road.

Bargaining

Upon returning he saw his uncle lying unconscious in the alleyway while the foreigner and the Chinese were walking towards Baikal Road still in the alleyway. "I ran after the men and got hold of the Jew, who was the smaller of the two foreigners," witness said, "and then the Japanese arrived." Later he was taken away by the Japanese with the three men.

During cross-examination Mr. Reeks questioned the witness in Chinese. He asked, through the interpreter, when attempting to prove that the brothel was one of the cheaper and poorer kind, "You cater for very small prices do you not? It is a poor place is it not?" His Lordship then stated "Ask what the prices are," Mr. Reeks replying "It is a matter of bargaining. I was nailed into one as I went there yesterday morning."

The Crown Advocate—"Did you bargain?"—"I did not."

After evidence had been given by Wong Ah-san that Morris had beaten the dead man, and Wei yu-sing, who said that a foreigner, whom he could not recognize had hit the brothel-keeper, the case was adjourned until 10 a.m. today. Before the adjournment Mr. McNeill asked if the testimony of a Chinese female witness, given in the Police Court, could be given at the next hearing as the girl had left for Ningpo. His Lordship pointed out that he would have to prove that the girl was unable to travel, was dead or had left China before his request could be granted.

"It is no good showing me that she has gone to Ningpo more far as they say," he concluded.

SEP 9 1938

Morris Manslaughter Trial **Opens Before Jury**

Public Health Department Employee Pleads Not Guilty; Alleged To Have Punched Chinese Brothelkeeper In Mouth Causing Death

The trial of Mr. John Dudley Morris, employee of the Public Health Department of the Shanghai Municipal Council, on a charge of manslaughter, was opened before Judge Sir Allan Mossop and a jury of five in the British Supreme Court yesterday morning. Morris pleaded "not guilty" to the charge that he, on the morning of September 8, "unlawfully killed Zong Hoong-pah, alias King Sung-zah."

The manslaughter trial lasted the whole day yesterday and will be continued at 10 o'clock this morning. Six witnesses for the prosecution were called yesterday by Mr. John McNeill, Crown Advocate, who, at the opening of the trial, outlined the case to Judge Mossop and the jury. Mr. H. A. Reeks, of the law firm of Ellis and Hays, subjected the Crown witnesses to a gruelling cross-examination, especially Mr. Max Kopstein, the chief witness for the prosecution.

The following five were picked to serve on the jury. Messrs. L.E. Ellingsworth, S.A. Szyer, J. Ward, H.C.F. Aris and H. Cadd.

While the Crown contends that Morris struck the deceased brothelkeeper several blows on the mouth, as a result of which he died, the defence was trying to prove through cross-examination yesterday that accused was some distance from the scene of the alleged manslaughter when the victim was struck.

Visited Cabarets

In his brief outline of the case, Mr. John McNeill said that on the evening of September 8, Mr. Max Kopstein was drinking in the Calibre Cafe on Broadway with Mr. Li, who worked under Mr. Morris at the P.H.D., when Morris came in with a friend and joined them. They had some beer and later drove to the Hongkew Police Station canteen and had some more beer. When the canteen closed the party proceeded to Broadway and went into several cafes there. Then only Morris, Kopstein and Li remained in the party.

They left the Carica Cafe on Broadway after midnight and were going home, the Crown Advocate alleged. On passing Lane 74, Balkal Road, they went up to House 68. They rapped on the door to gain admittance, which was opened by the proprietor, "who the Crown alleges, was unlawfully killed," continued Mr. McNeill.

The Crown Advocate related that a quarrel took place during which the proprietor of the brothel was allegedly pulled or pushed out of the house, "and there and then it is alleged, the accused struck the proprietor a number of blows, whereupon he fell to the ground." This was witnessed by a number of persons. Mr. McNeill continued. After the scuffle the trio went off, the accused going in the direction of his home, while the other two returned for some reason or other to Lane 74, and when they got there they were surrounded by crowds and attacked and later arrested. Morris was called back by Kopstein to help Li and was also detained.

Chief Witness

The chief witness for the prosecution, whom Mr. Reeks stated during the trial Morris had hoped would be the chief defence witness, was examined and cross-examined at length. He was called after Mr. T. W. E. Wilson, of the Public Works Department, S.M.C., had produced some plans of the scene of the alleged killing.

Mr. Kopstein, a German-Jew, gave evidence through an interpreter. He confirmed Mr. McNeill's outline of the start of the evening in various cafes and the drinking of beer. Shortly after midnight, he said, Morris, Li and he left the Carioca Cafe on Broadway and went into a lane on the right. They walked about 100 steps and then Li or Morris opened a door. When the door was opened the three of them went in, related the witness, and then at once walked back. The witness walked in front and thought that Mr. Li and Mr. Morris would follow.

"When I turned around," the German-Jew stated dramatically, "I saw Mr. Morris hitting a Chinese on the mouth. I don't know whether the Chinese fell accidentally or whether due to the force of the blow." Continuing, he stated that he saw several girls in the house and that the man who was later struck was sweeping the floor when they went in. The girls, he thought, were prostitutes.

Upon being asked how many times Mr. Morris had struck the Chinese, Kopstein replied, "I saw the accused strike the Chinese three or four times. I also saw a Chinese hawker in the lane," he added.

Why He Went Back

"After the Chinese was struck and fell to the ground, all the three of us walked out of the lane back to Baikal Road," continued the witness. "Then we walked through the opposite lane towards Wayside Road. When we reached Wayside Road, Mr. Morris said 'good night' and then I said to Li that we had better go back and see what happened to the Chinese, as perhaps we could help him."

"We went back, whilst Mr. Morris went home. Several Chinese had gathered on Baikal Road and jumped on Li and struck him," related Mr. Kopstein, "I saw that I could not help as there were far too many Chinese and so I ran along Baikal Road looking for help. I saw Mr. Morris at the corner of Studley Avenue and Baikal Road and I told him that Li was being attacked and that I wanted his help, he did not to back willingly, but I repeated the request twice and finally he came."

"When we reached the group Morris yelled to the Chinese to stop and they stopped, but held Morris and Li by the hands," stated Kop-

stein. "Then a foreign policeman came and asked what was the matter and called for S.M.P. and Japanese Police. Then we walked into the lane to look at the body. I could not see clearly for the crowd, but the body was not lying on the same side of the lane."

The examination of Kopstein closed by his relating that when the Japanese Naval Landing Party arrived and he, Morris and Li were led into a house and stayed there all night.

Cross-Examination

In the course of the cross-examination by Mr. Recks, Kopstein stated that he worked and lived at the Ward Road Jewish Refugee Camp and that for the last few months he worked with Mr. Morris, their work extending often into the night, having to visit sick refugees. He admitted that he had never been to a brothel before with Morris.

Upon being pressed on the point that in the preliminary hearing in the Police Court he had stated that he was drunk and could not remember what had happened, Kopstein replied that he was drunk, but that he had stated that he could not remember exactly what happened.

Kopstein was also questioned closely on the fact that he was detained by the Japanese until September 19, and that he was questioned daily and that he had told Morris that "if a man is told daily that white is black and kept on rice and water, then he finally comes to believe same." Kopstein contended that he had made no statement to the Japanese. It was brought out in the course of the trial that the Chinese, Li, is still being detained by the Japanese Naval Landing Party.

Afternoon Session

Continuing at 2 p.m., Mr. J. McNeill, for the crown, called three Chinese witnesses, Zung Teh-zung, Wang Ah-san and Wei Yue-sing, besides Dr. E. G. Gountlett, who had witnessed the autopsy on the body of the deceased. The Doctor stated that the deceased might have suffered a rupture of the aorta from the mere excitement of the fight; in any case the internal haemorrhage was sufficient to kill him. Death, said the Doctor, would occur within five minutes after the rupture.

The second witness yesterday afternoon, Zung Tuh-zung, the nephew of the deceased brothel owner, retold his story as given in the Police Court. He said that he had heard the visitors knock on the door, which was opened by the owner of the house. Then, because there were no girls awake at the time, 2 a.m., the Chinese member of the party slapped the witness's master. One girl was called down by the proprietor, but the Chinese said she was not good enough. The foreigner and the Chinese then pushed the owner out of the back door into the lane, and the witness, who was frightened, ran out into Yangtzepoo Road. He returned a little while later and saw the three men walking out of the lane towards Baikal Road. "I ran after them and caught hold of the smaller foreigner, then some Japanese gendarmes came along and would not let us go." They were taken to the Japanese Naval Headquarters on Whangpoo Road.

Cross-Examination

The witness was then cross-examined by Mr. H. A. Reeks, who asked him if it was possible that the two foreigners and the Chinese, whom he had seen inside the house were not the same men as the trio he had chased in the lane. The witness, however, stated several times that he was certain that they were the same men. After asking the witness a few questions about the locality, which the witness agreed was dotted with many other brothels, Mr. Reeks said "I was hailed by one (girl) myself as I went down the lane yesterday morning."

The next witness was Wang Ah-san, of House 56, Lane 74, Baikal Road. He reaffirmed his former evidence to the effect that he had left a house in the lane to buy noodles from a hawker in the alleyway, had eaten his noodles by the stall, and had then seen the fight. The owner, he stated, had been pushed out of his house by the two foreigners and a Chinese and beaten. One of them said, "We are from the S.M.C., and we will kill you in 10 minutes," the witness testified.

Both this witness and Zung Tuh-zung, the nephew of the brothel keeper, identified the accused as the foreigner who had struck the deceased. In cross-examination, the witness stated that there were only five people in the lane besides himself at the time of the fight. They were the two foreigners, the Chinese visitor, the proprietor and the stall-keeper.

Wei Yue-sing, the noodles-seller, told his story again. He had been selling his noodles and beef to a customer, the previous witness, he said, when the fight occurred. The deceased fell down on to the ground close to his stall, and the hawker had picked up his portable food stall and gone away.

During the questioning, Mr. Reeks found the interpreter's translation incomplete, on several occasions and so, with the permission of Judge Mossop, he questioned the Chinese witnesses in Chinese himself.

Mr. J. McNeill, for the crown, told the Judge that he had not been able to produce the female inmate of the brothel, Wang Siau-tsung, for she had been sent to Ningpo.

The Judge observed that this was against the counsel for the crown because as long as she was alive and in China she should have been produced. The law could not excuse her because she was in "Ningpo-more-far, as they say," the Judge declared.

The hearing was then adjourned until 10 o'clock this morning.

Police Court Names Briton For Jury Trial

**Accused's Version Of
Case Differs From
Witnesses'**

**PROSECUTION ASKS
FOR HIGHER BAIL**

**Accused Says He Went
To Scene Of Death To
Aid Trapped Friend**

Branding as untrue the statement of a previous witness that he had gone to a brothel in Lane 74 Balkal Road on the night of September 8, Mr. J. D. Morris, British employee of the Shanghai Municipal Council Public Health Department yesterday offered in the British Police Court a completely new version of the events leading up to the death on that night of a Chinese male for which he is being charged with manslaughter.

Following the hearing in which Mr. Morris gave his statement of the events that took place on that night, Mr. C. H. Haines, Registrar committed him for trial in a higher court.

Reciting his account of the night's activities in a slow steady voice, Mr. Morris told the court that in company with Mr. Max Kopstein, a German refugee and Mr. Lee, Chinese employee of the S.M.C., he left an East Broadway cafe, the Carioca at about 2.15 a.m. the morning of September 9 walking in the general direction of all their homes.

When the trio had reached Lane 73 Balkal Road, from its Wayside Road entrance, Mr. Morris wishing to be rid of his companions took a roundabout way to his Studley Avenue residence, by continuing down Wayside Road after he had bid the others goodnight.

Kopstein Asks Aid

He had just about reached home, the accused said, when he saw a foreigner in a white frock running after him and shouting for the police. It was not until he had attained the rear entrance to his house that the foreigner caught up with him and turned out to be Mr. Kopstein in a lather. Upon mutual recognition, the accused continued, Mr. Kopstein grabbed his sleeve and shouted: "Someone is in trouble in a lane along the road. Mr. Morris. You must come and help."

Mr. Morris resisted the sleeve pulling and answered virtuously: "If anyone is in trouble at this time of night it is not my business to interfere. I am going home."

"It is your foreman's business," Mr. Kopstein answered. "There are about 50 people in a lane and they might murder him. There are no police. You must come Mr. Morris. Please, you must come."

Accused then gave way and ran with Mr. Kopstein to the lane which he now knew to have been No. 74 on Balkal Road. About 30 yards down the lane some 20 or 30 Chinese were brawling and accused pushed his way among them to stop the fight and rescue his Chin-

30-9

Morris Helps Friend

Mr. Morris saw Mr. Lee being attacked and struck by several Chinese whereupon he shouted to Mr. Lee to back away and put the flat of his hand on the chest of a man whom he assumed to be the ringleader. As he did this, another person whom he now recognized as the first witness, Zang Tuh-zang struck him behind the ear. A second Chinese on his left also struck him and the ringleader was in like manner aggressive.

After knocking witness Zang back against the lane wall, Mr. Morris warned the ringleader to cease his attacks. This policy did not work as the crowd continued to strike him, so after two more warnings Mr. Morris struck the ringleader three blows pulling his punches, however. At the third blow the ringleader collapsed into the arms of an adherent. Mr. Morris then shouted to Messrs. Kopstein and Lee to get out of the lane, his intent being to straighten out the matter of Mr. Lee at Wayside Police station.

Trio Held By Mob

As the three approached the Baikal Road exit of the lane a Chinese shouted from the opposite end that one man was dead. They were then prevented from leaving by a crowd which had heard the shout. They walked back down the lane to where a Chinese lay stretched out on the pavement. They walked about in the lane for a few moments when two Japanese soldiers appeared and later a member of the S.M.P. in plainclothes who departed for Wayside Police station to get help. In a short time a Japanese naval landing party arrived on the scene and the three men were escorted to House No. 56 where a detective sergeant took a verbal statement from them.

The testimony of Mr. Morris was in almost complete contradiction to that of previous witnesses including Mr. Kopstein who declared the three friends had entered a brothel in Lane 74 Baikal Road and had subsequently gotten into a fight with the proprietor who fell before the fists of Mr. Morris.

With the preliminary hearings concluded and Mr. Morris committed for trial Mr. Haines permitted the accused liberty on a bail of \$3,000 and two sureties of \$3,000 each.

SEP 30 1939

Briton Committed for Trial On Manslaughter Charge

**J. D. Morris Makes Long Statement After Charge
Is Framed in H. M. Police Court; Bail Increased**

JOHN Dudley Morris, 36-year-old Briton employed at the Chusan Road branch of the Public Health Dept., S.M.C., was committed for trial on a charge of manslaughter yesterday by Mr. C. H. Haines, H.M. Registrar. Morris had been charged with the manslaughter of a Chinese named Song Kyung-dan, alias Ting Tszu-Zung, by the Shanghai Municipal Police, who alleged that the man had died as the result of being struck by Morris in a lane off Baikal Road on September 9. Present with accused during this affray, it was stated, were a German-Jewish refugee named Kopstein and a Chinese employee of the Public Health Dept. named Lee. Both of these had given evidence during the preliminary hearing.

At the opening of the hearing yesterday, Mr. G. H. Wright, for the prosecution, stated that his case was closed. Mr. Haines, addressing Morris, then stated "I have come to the conclusion that I must frame a charge of manslaughter. The charge is that you, John Dudley Morris at Shanghai on the 9th day of September, 1939, did unlawfully kill Song Kyung-dan, alias Ting Tszu-zung. Having heard the evidence do you wish to say anything to the charge?"

On behalf of Morris, Mr. H. A. Reeks replied that his client reserved his defence but he wished to make a statement from the dock. Morris then gave his statement as follows: "At the first opportunity I made a free statement. That statement has been handed into Court and it is a true account of what occurred. It is absolutely untrue that I entered Lane 74, Baikal Road or any house in that lane in company with the witness Kopstein or the Chinese foreman, Lee.

"Between 2.15 and 2.30 a.m. on September 9 I left the Cafe Carioca in Broadway East in company with Kopstein and Lee. We proceeded along Wayside Road because that was in the direction of all our homes. I presumed Kopstein and Lee would proceed north on Chusan Road to their homes. My intention was to turn off Wayside Road into Lane 73 Baikal Road, which connects Wayside Road and Baikal Road. That would have been my nearest and normal way home.

"Screaming for Police"

"As we approached Lane 73, Baikal Road, on Wayside Road, Kopstein and Lee turned into Lane 73 Baikal Road instead of crossing the road and proceeding north on Chusan Road to their homes. Wishing to be rid of their company, I said goodbye without stopping and proceeded along the way home via Wayside Road, turning right into Macgregor Road past the Naval Landing Party Post, again turning right into Baikal Road, then proceeding towards my home in Studley Avenue.

"As I reached outside Lane 133 Baikal Road, I saw a foreigner in a white jacket some distance away, running towards me, screaming for police. By the time he reached me I was outside No. 127 Baikal Road or the rear entrance to my house. As he reached me he recognized me and

I recognized him as Kopstein. He grabbed hold of my left coat sleeve, attempting to pull me along, and shouted "Someone is in trouble in a lane along the road. Mr. Morris you must come and help."

"I resisted his pulling and replied 'If anyone is in trouble at this time of night it is not my business to interfere. I am going home.' He still continued to pull me by my coat sleeve and shouted 'It is your foreman Lee. There are about 50 people fighting in the lane, and they might murder him. You must come Mr. Morris. Please you must come.'

No Intention of Fighting

"I gave way and ran with him to the lane. We ran into the lane, which I now know to be Lane 74, Baikal Road. Some distance inside the lane, about 30 yards, I observed a crowd of 20 to 30 Chinese blocking the lane. I pushed my way into the crowd with the intention of stopping the brawl in which my foreman was involved. I had no intention of fighting myself.

"In the centre of the crowd I saw foreman Lee being attacked and struck by several Chinese. I shouted to Lee to back away and put the flat of my left hand on the chest of a Chinese whom I assumed to be the ringleader, holding him back with the palm of my left hand. As I did this a Chinese, whom I now recognize as the first witness, Zung Teh-zung, struck me a heavy blow behind my right ear. Another Chinese on my left also struck me and the Chinese, whom I took to be the ringleader, was striking at me from the front.

"I knocked Zung Teh-zung back against the wall of the lane, at the same time warning the ringleader to stop attacking me. I then pushed back the Chinese, who was hitting me from my left side, again warning the ringleader to stop fighting. He failed to do so, but continued to strike me on my right and left sides. I then felt others attacking me from behind, again warning the ringleader to stop. I warded off his blows with my forearms and as there was no sign of his ceasing, for self protection against the mob, I struck the ringleader three times, holding my punches, but sufficiently hard enough to prevent him further attacking me.

Bail Increased

"As I struck him the third time he fell back, not to the ground, but into the arms of other Chinese standing behind him. They immediately dragged him away and all fighting ceased. I then shouted to Kopstein and Lee to get out of the lane, my intention being to take Lee to Wayside Police station where his dispute could be settled. The three of us walked together towards the entrance without interference.

"As we approached the lane entrance on Baikal Road a Chinese in the southern part (Yangtsepoo end) of the lane shouted 'One man is dead.' We were prevented from leaving the lane by a crowd of Chinese at the Baikal Road entrance. They had heard the shout of 'One man is dead.' We walked back into the lane for a distance of about 50 yards past the scene of the fight and there saw a Chinese male whom I previously presumed to be the ring-leader, lying on the pavement of the lane.

"We walked about in the lane for a few moments and two Japanese soldiers and a foreign Shanghai Municipal police officer in plain clothes arrived simultaneously. We waited there for a few minutes while the foreign policeman went to Wayside Police station for help. Shortly afterwards the Japanese Naval Landing Party arrived and placed us under escort in House 56. A few minutes later a detective-sergeant from Wayside Police station arrived and took verbal statements from Lee, Kopstein and myself."

Following a submission by Mr. Wright that bail should be increased while accused was awaiting trial, Mr. Haines stated that he would increase each of the three sureties by \$1,000. Defendant was then allowed bail on his own recognizance of \$3,000 and two other sureties of \$3,000 each.

SEP 29 1939

Morris To Face Supreme Court

New Story Recounted On Brothel Keeper Manslaughter

Relating an account differing from testimony previously made, Mr. J. D. Morris, employee of the SMC Public Health Department, gave evidence this morning on his own behalf at the conclusion of preliminary hearings against him on a charge of manslaughter in the British Police Court, of the events which led up to the death of a Chinese brothel proprietor in Wayside on September 9. Following the defendant's evidence the Magistrate, Mr. C. H. Haines committed Morris to trial by the British Supreme Court, bail being fixed at \$3000 and two sureties of \$3000.

According to his evidence in court this morning, Morris stated that he was in the Carloca Bar until 2 a.m. on September 8, when he left the place in the company of a Chinese PHD foreman and Max Kopstein, a German-Jewish refugee employed for extra work among refugees by the PHD.

Leaves Companions

Morris stated that he left the two men at the corner of Balkal Road and Studley Avenue, proceeding along the latter thoroughfare to reach his home. After walking for a few minutes he heard someone running behind him and then saw that it was Kopstein. The latter, Morris said, asked him to return with him and help the foreman who was involved in a fight with a large crowd of Chinese. After hesitating, Morris accompanied Kopstein and then came upon a crowd of 20 or 30 Chinese who were fighting.

Continuing, Morris declared that he shouted to the crowd to stop fighting. Just then, Morris stated, Sun Teh-zeng, one of the earlier witnesses in the hearings, came up from behind the defendant and struck the latter on the back. Morris turned around and caught one of the Chinese, whom he "hit several times."

The person whom he had struck, Morris went on, did not fall to the ground, but dropped into the arms of another Chinese.

SEP 26 1939

Final Stages Reached in Manslaughter Case

**Briton Hears Evidence of Fight Outside Brothel
Near Baikal Road; Defence Counsel's Objections**

THE final stages of the preliminary examination of John Dudley Morris, a 36-year-old Briton employed at the Chusan Road branch of the S.M.C. Public Health Dept., on a complaint of manslaughter, were reached in H.M. Police Court before Mr. C. H. Haines, Registrar, yesterday. Morris had been charged by the Shanghai Municipal Police with manslaughter following the death of a Chinese named Ting Shu-cheng, a brothel-keeper, following an alleged brawl outside his home early on the morning of September 9. It will be recalled that Morris and two other men, a German-Jewish refugee and a Chinese named Li, were detained by the Japanese military authorities for some time following the incident. The hearing was adjourned until 10 a.m. on Friday.

First witness to be called was Dr. Eric Gerald Gauntlett, a British registered medical practitioner, who said that on the morning of September 9, at the request of the Shanghai Municipal Police, he went with Det.-Sub Insp. Cumming of the S.M.P. to the Japanese Naval Landing Party Hospital in North Szechuen Road to witness an autopsy performed on the body of a male Chinese.

Det.-Sub-Insp. Cumming, said Dr. Gauntlett, had informed him that the Chinese was reported to have been assaulted during the night and had died in consequence. Two Japanese naval medical officers performed the autopsy, he continued, and he was given every opportunity to see the examination closely.

After referring to his report Dr. Gauntlett stated "The body appeared to be that of a medium-sized, middle-aged Chinese male. There was a bruise or abrasion on the red margin of the upper lip and some blood clot and a small wound on the centre of the gum, beneath it one, or possibly two, teeth were missing.

"The appearance of the lip and gum was consistent with a recent blow which had knocked out or broken two teeth. There was no sign of bleeding from the nose, ears or eyes and no evidence of injury to the head, trunk or limbs, except the injury to the mouth described above.

Liable to Sudden Death

"On opening the chest, the right side was found to be full of blood, which had come from a small rupture of a large aneurysm of the arch of the aorta, the main artery of the body. This aneurysm was caused by gradual weakening of the walls of the artery due to previous disease and would have been present for a long period, more than six months before death. Any person with such an aneurysm would always be liable to sudden death from rupture and internal haemorrhage caused by exertion or strain raising the blood pressure sufficiently to burst the already thinned and weakened wall and such a rupture is the natural termination of most cases of aneurysm in this position.

"In this case the exertion of taking part in a fight, the heavy impact on the ground, if knocked down, the sudden impact from a heavy blow in the mouth or even the excitement of a quarrel or an effort to defend

himself may have been the determining factor in producing the rupture. From the large size of the aneurysm and the thinness of its walls, it is very unlikely that the deceased could have lived for more than a few months at the longest unless living as a complete invalid. The remainder of the organs appeared to be free from obvious disease."

Answering Mr. H. A. Reeks, for the defence, Dr. Gauntlett stated that Sub-Insp. Cumming did not tell him that accused had come to the scene of a quarrel and that an assault had ensued. He added "Inspector Cumming seemed to know very little about it at that time." After his evidence had been read over, he said the normal size of the aorta was from one to one and a half inches across while the dilatation was the size of two fists. It was the largest he had ever seen...

Police Officer's Evidence

Mr. Torry William Robert Wilson, employed in the Land Office, P.W.D., identified two plans which had been made under his supervision at the request of the police. One showed the layout of Lane 74, which ran into Baikal and Yangtzepoo Roads, while the other was a key plan showing the roads in the district.

Det.-Sub-Insp. Cumming (recalled) said that the body of the Chinese lying in Lane 74, opposite House 68, was moved to the Japanese Naval Hospital, North Szechuen Road extension. Arrangements were made with the Japanese naval authorities for an English doctor to be present at the autopsy. Dr. Gauntlett was asked to attend and witness accompanied him to the hospital and back.

Prob.-Sergt. Eduard Meyer of the Shanghai Municipal Police said that in the early hours—between 2 a.m. and 3 a.m.—of September 9, he was east to west on Wayside Road. When he approached Lane 73, which ran between Baikal and Wayside Roads, he noticed a crowd of Chinese in the Baikal Road entrance.

He immediately proceeded to Baikal Road and in the entrance of Lane 74 he noticed about 20 to 30 Chinese, who were arguing and shouting. In order to see what was the matter he alighted and there he saw accused, whom he knew very well, standing in the middle of the crowd, being pulled about.

Japanese Soldiers Appear

Witness immediately went towards accused and asked him what was the matter when he also saw Mr. Kopstein, whom he knew as an assistant to Mr. Morris. After being questioned Morris told witness that he had been involved in a fight. All the Chinese at the time were shouting "He killed him." He then informed accused and others that they would have to go and investigate and they approached a Chinese lying in the middle of the alleyway about 100 yards from the entrance, his head pointing south and his feet north.

Prob.-Sergt. Meyer added that he told Morris that they would have to go to Wayside Police station but when they tried to leave they were prevented from doing so by two Japanese soldiers. Witness told them that he was a police officer but all efforts to get Mr. Morris and the other people to the station failed. He then told them to stay in the alleyway while he went to make a report.

After leaving the scene witness drove to Wayside Police station and, with two Japanese probationary sergeants and a Chinese detective, returned to the scene. Answering Mr. G. H. Wright, for the prosecution, witness stated that the body was near the back entrance of House 68. In answer to the cries of "He killed him," Morris told witness that he had hit the Chinese three times and he had collapsed.

Several Drinks

Max Kopstein, aged 20, whose evidence in German was translated by the previous witness, told the Registrar that he worked with Morris although he was not connected with the Public Health Dept. On the evening of September 8 he was in the Cafe Colibri, 18 Broadway, with a Mr. Li, who worked in the office of accused.

While they were there Morris came in and they had several drinks together. They stayed there until about 10 o'clock when Morris, and another Englishman whose name he did not know, Li and himself, went to Hongkew Police station to get drinks at the canteen. They stayed at the canteen until it closed.

From there they went by car to Broadway when they went inside a cafe. Here they had more drinks and from there they went to other cafes when the other Englishman left the party. Morris, Li and himself then left the Cafe Carioca, which was the last cafe visited, and walked along Baikal Road and turned right into a lane.

Answering Mr. Wright witness said that he could not remember exactly what happened as he was drunk. He believed that the Chinese showed Morris a door but he could not remember whether the Chinese or Morris opened it. All three went inside where they turned round once and walked out without anything happening. The place was a brothel, he said, and there were a few girls inside and he saw a Chinese, who was sweeping the floor. He did not know him.

Chinese Said Struck

Witness added that he believed Li spoke to the Chinese although nobody touched him while they were inside. When they left the place witness went out first and waited for Morris and Li to follow. He turned around and saw Morris hit the Chinese, who had been sweeping the floor. Asked how many times Morris struck the man, witness said "Not more than five times." He did not know whether the man stumbled or was felled by a blow but he was lying on the ground. He added that he noticed a Chinese hawker and his stall but saw nobody else.

After the Chinese had fallen to the ground they walked away, crossed Baikal Road and went up the lane opposite until they got to Wayside Road. Here Morris said goodnight and added that he was going home. Witness then stated that he said to Li "Isn't it better that we go and see what has happened to the Chinese as he was bleeding from the mouth." This evidence was not taken by the Registrar and a protest was registered by Mr. Reeks.

Continuing his evidence witness said they went back to the same lane again as he thought they might be able to help the Chinese. They walked to the Baikal Road entrance but could not get any further because of a crowd of Chinese, one of whom jumped on Li and hit him. Seeing that Li was on the ground he went to get assistance and he saw Morris walking home near Studley Avenue and Baikal Road.

Detained All Night

Witness asked him to go along and help Li, who was being beaten by Chinese and he went back. On arrival at the scene Morris pushed the Chinese away from Li and the crowd then caught hold of Morris by the arm. Prob-Sergt. Meyer then came on the scene. Later two Japanese came with fixed bayonets and they walked towards the Chinese who was not lying in the same place but had been moved to nearly the opposite side.

Later about ten more Japanese arrived and they took witness, Morris and Li into a house in the same lane where they were kept in custody the whole night. Later they were marched to the Whashing Road Japanese military quarters where witness was detained all afternoon.

Mr. Reeks then asked witness if he had been to his office and had been asked one question "Did Morris go with you to the brothel or the lane where the brothel is?" Witness replied that the question had been asked and he agreed that he had answered "My memory is a blank. I do not remember whether he went with us or not."

Mr. Wright then stated that he would ask witness if he had made a statement substantiating what he had said in evidence. Mr. Reeks objected to this and the Registrar pointed out that if a witness had said something contrary to what he had said earlier in examination then the prosecution was entitled to refer him to an earlier statement.

Witness then said that before going to Mr. Reek's office he made a statement to Sub-Insp. Cumming which was read over to him and which he stated was correct. Mr. Reeks then asked for the statement to be produced and was stopped by the Registrar as he was about to question the witness. He again protested and asked that a note be made of the protest.

SEP 26 1939

Important New Evidence In The Morris Case

Dr. Gauntlett Says Deceased Could Not Have
Lived Longer Than A Few Months More;
Died Of Internal Haemorrhage

The fourth version of the case in which John Dudley Morris is appearing as the accused on a manslaughter complaint, continued yesterday morning in the British Police Court before the Registrar, Mr. C. H. Haines. The hearing lasted all morning, and during that time four new witnesses gave evidence and one other witness was recalled. The case was adjourned until Friday morning at 10 o'clock.

The first witness yesterday was Dr. Eric Gerald Gauntlett, local medical practitioner, who was requested by the S.M.P. to witness an autopsy on the body of the deceased. Detective Sub-Inspector D. A. Cumming of the S.M.P. escorted him to the Japanese Naval Landing Party Hospital, he said. "S.I. Cumming told me that a Chinese had been reported to have been assaulted and died in consequence," said the doctor. "The autopsy was performed by two Japanese naval medical officers, who gave me every opportunity of watching the examination closely. I prepared a report, but at present I have not submitted it to anyone."

Doctor's Opinion

Referring to his notes, Dr. Gauntlett gave his opinion as to the cause of death. He said that "the body appeared to be that of a medium-sized, middle-aged Chinese male. There was a bruise on the red margin of the upper lip and some blood clot and a wound on the centre of the gum beneath it, where one or possibly two teeth were missing. The appearance of the lip and gum was consistent with a recent blow which had knocked out or broken one or two teeth. There was no sign of bleeding from the nose, ears or eyes, and no evidence of injury to the head, trunk or limbs, except the injury to the mouth described above. Rigor mortis was present."

"On opening the chest, the right side was found to be full of blood, which had come from a small rupture of a large aneurism of the arch of the aorta, the main artery of the body. This aneurism was caused by gradual weakening of the walls of the artery due to previous disease, and would have been present for a long period, more than six months, before death."

Weakened Wall Of Aorta

"Any person with such an aneurism would always be liable to sudden death," Dr. Gauntlett declared, "from rupture and internal haemorrhage caused by exertion or strain, raising the blood pressure sufficiently to burst the already thinned and weakened wall. Such a rupture is the natural termination of most cases of aneurism in this position. In this case the exertion of taking part in a fight, the heavy impact on the ground if knocked down, the sudden jar from a heavy blow in the mouth or even the excitement of a quarrel or an effort to defend himself may have been the determining factor in producing the rupture."

aneurism and the thinness of its walls, I am of the opinion that it is very unlikely that the deceased could have lived for more than a few months at the longest, unless living as a complete invalid. The remainder of the organs appeared to be free from obvious disease." Mr. H. A. Reeks, for the accused, questioned the witness who stated that "normally the size of the aorta would be an inch to an inch and a half across, while his dilatation was the size of two fists. It was the largest I have seen."

D.S.I. Cumming, of the S.M.P. was recalled, and he stated that the body of the deceased was removed from near House 68 in the lane to the Japanese Naval Hospital on North Szechuen Road extension. Arrangements were made for an English doctor to be present at the autopsy, and Dr. Gauntlett had been asked to go. He added that he had taken the doctor to the hospital and later brought him back.

Refugee's Story

Another witness was Max Kopstein, 20, a German Jewish refugee, who had been one of the three involved in the manslaughter of the brothel-keeper. Through an interpreter he told the Court that he worked with the accused, but was not in the Public Health Department. On the evening of September 8, he was in the Cafe Colibri on Broadway with Mr. Li, a Chinese who worked in the same office as the accused. While they were in this cafe, the accused came in and joined them. They had several drinks there and then some more in the canteen of the Hongkew Police Station. They had been joined by another Englishman. When the canteen closed they went by car to Broadway and had more drinks in several different cafes. The other Englishman left, and Morris, Li and the witness walked along Baikal Road.

"We entered a lane on the right," related the witness, who added that he could not remember exactly where the lane was because they were drunk. The Chinese Li pointed out a door, which someone opened and they all entered. "Nothing happened inside," the witness said, "and we turned around and walked out again. The place was a brothel and there were a few girls there. I saw a male Chinese who was sweeping the floor. No one touched him while we were in the house."

Not More Than Five Blows

"I came out first and waited for Morris and Li. I turned around and saw that Morris had hit the Chinese who had been sweeping the floor. I think not more than five blows were struck before the Chinese was lying on the ground. I cannot say whether from a blow or by stumbling." Asked if he noticed anyone else in the lane, the witness replied that he noticed a Chinese hawk with his stall, but nobody else. "We walked away after the Chinese was knocked down and crossed Baikal Road into the lane opposite. On Wayside Road we parted and Morris and Li went back to the house."

"Li and I went back to the same lane because I thought we might be able to help the Chinese. We returned but could not get out of the lane into Baikal Road because of a crowd of Chinese. They jumped on to Mr. Li and hit him and knocked him down. I ran to get a foreigner to help Mr. Li and I saw Morris walking home. I asked him to come with me to help Mr. Li. He came back but was not very willing. Morris pushed the Chinese away, but they caught hold of both Morris and Li. Then Police-Sergt. Meyer came along and then two Japanese soldiers with fixed bayonets. The Chinese was still lying on the ground, but he had been moved to a position across the lane. About 10 Japanese came along and moved us into a house in the lane. We were kept there the whole night. The next day we were marched to Whashing Road Japanese military quarters under escort and detained there all afternoon."

Counsel Protest.

Mr. Reeks cross-examined the witness who agreed that he had been to Mr. Reeks's office, where the latter had asked him whether he had been with Morris to the brothel. "I answered that my memory was a blank and that I could not remember, then I left," said the witness. Mr. G. H. Wright for the S.M.P. then re-examined the witness, who agreed that he had made a statement to the Police before seeing Mr. Reeks in his office. Mr. Wright pointed out that this statement contained much of the evidence just related in court. Mr. Reeks protested against this second examination but was not allowed to cross-examine again.

Probationary Sergeant Eduard Meyer of the S.M.P. told the court that between 2 and 3 a.m. on September 8, as he was proceeding down Wayside Road, he had noticed a crowd of Chinese in Lane 73, which connects Baikal Road with Wayside Road. At the Baikal Road entrance to the lane 20 or 30 Chinese were gathered. "I noticed the accused, whom I knew very well, was among them and being pulled about. I went to investigate, then I noticed Mr. Kopstein, whom I knew to be an assistant of the accused. Morris told me that he had been involved in a fight. All the Chinese were shouting 'He killed him,' and so we went to have a look."

Police Sergeant

"We saw the Chinese lying in the middle of the alleyway about 100 yards from the entrance of the lane. His head was pointing south. I said to Morris that we had better go to Wayside Police Station, but when we tried to go we were prevented by two Japanese soldiers. I told them that I was from the Police and I went to Wayside Station and returned with two Japanese sergeants and a Chinese detective. The body was near the back entrance of House 68. The Chinese crowd said Morris had killed the deceased. Morris explained that he had hit the Chinese three times, who then collapsed."

The last witness yesterday was Mr. Torry W. R. Wilson of the S.M.C. Public Works Department, land office. He testified that the plan of Lane 74, Baikal Road, showing all the houses in the alleyway, and a plan of the ponds in the vicinity, taken from the Municipal Road Map of this district, had been made under his direction at the request of the court. The case will continue tomorrow at 10 a.m.

More Evidence Is Heard In Morris Case

Doctor Establishes Cause Of Dead Man's Demise

The prosecution in the case of manslaughter in which Mr. J. D. Morris of the Shanghai Public Health Department is accused of complicity in the death of a Chinese male as the result of a fight on the night of September 8, continued with the examination of witnesses in the British Police Court yesterday. All evidence with one exception was circumstantial.

Witnesses at the proceedings held before Mr. C. H. Haines, registrar, yesterday were all foreigners.

The fact was established that the dead Chinese had been suffering from a disease and died as the result of a rupture to the main artery. Almost any unusual physical exertion would have served to break the unnaturally thin walls of the blood vessel. The only eye-witness present in court, Mr. Max Kopstein, a friend who accompanied Mr. Morris that night prefaced his testimony with the statement that he had been "really too drunk" the night of the brawl to remember what took place and later, under close examination, gave a detailed story of what he saw.

Returns To Scene

He also increased the public's estimation of the accused when he told the court that Mr. Morris had returned to the scene of the fight in order to help a friend, Mr. Lee, who had fallen prey to a Chinese mob.

Dr. E. G. Gauntlett, who was first witness on the stand yesterday said he had at the request of the Shanghai Municipal Police, on September 9, witnessed the autopsy by two Japanese naval medical doctors of a middle-aged Chinese who suffered from no visible wounds but a facial abrasion and a couple of missing teeth. On opening the right side, however, it was found full of blood. The main artery which had ruptured causing this haemorrhage was the diameter of two fists where normally it should not be more than an inch and a half across. It had been abnormal for at least six months, he said, and the man would not have had many more months to live except as an absolute invalid. It was the largest swelling of the kind he had ever seen, he said, and almost any unusual strain such as taking part in a fight might cause the sudden rupture which is the natural termination of most cases of the kind.

Mr. Torrey William Robert Wilson of the Public Works Department Land Office then testified to the correctness of certain maps of the Hongkew area and Sub-Inspector Cummings of the S.M.P. told the court he had transported Dr. Gauntlett to the Japanese Naval hospital where the

S.M.P. Sergeant Testifies

Probationary Sergeant Edward Meyer of the S.M.P., then testified that he was proceeding down Wayside road in a private car at about 2.30 a.m. on the day of the fatal events when he passed Baikal Road, where the Chinese was alleged to have died. As a large crowd was milling about a lane entrance there he made his way to it where he found Mr. Morris whom he knew, being pulled at by the mob. Mr. Kopstein was also present. Upon inquiry Mr. Morris told the witness he had been involved in a fight. The mob was yelling, "He killed him."

The sergeant then proceeded to the body of the Chinese lying in the middle of the alley some 100 yards from Baikal road. Witness then told Mr. Morris they should go to a police station but when they started to leave they were prevented from doing so by two Japanese soldiers. Witness then told them to wait and he went to the station where he got two Japanese and a Chinese policeman.

On a further question witness answered that, when he asked Mr. Morris what had happened, the reply was: "I hit him three times and he collapsed."

Kopstein Describes Events

Mr. Max Kopstein, who described himself as a helper of accused but not attached to the Public Health Department, then told of how the trio: accused, a Chinese named Mr. Lee, and himself had spent the evening going from one cafe to another drinking at each and finally ending up on Baikal road in the small hours of September 9. There they turned down a lane and Mr. Lee knocked on a door which they entered. Inside they spoke shortly with a man who was sweeping the floor, subsequently identified as the house owner, and with no more ado left the house. The proprietor followed and an argument ensued in which witness said he saw accused strike the owner not more than five times. The man then either stumbled or fell to earth; witness was not clear.

The trio then left the alley and soon split up, accused making his way homeward alone. Then Mr. Kopstein suggested that he and Mr. Lee return to the scene of the fight in order to help the house owner if possible. They did so and Mr. Lee was set upon by a crowd which had gathered. Witness then ran in search of help, found accused and upon telling him Mr. Lee was in trouble persuaded him to return. When they did so accused in turn was set upon and things were not looking too well when Sergeant Meyer arrived.

As to the position of the corpse which the three had left lying near the door of house No. 38, it had been moved across the alley.

Hearings were adjourned to Friday at 10 a.m.

SEP 22 1939

Manslaughter Case Against Briton

Two Chinese Witnesses
Give Evidence of Lane
Brawl in Early Hours

The preliminary examination of John Dudley Morris, a 36-year-old Briton employed at the Chusan Road branch of the S.M.C. Public Health Dept., on a complaint of manslaughter was continued in H.M. Police Court yesterday by Mr. C. H. Haines, H.M. Registrar. Morris, together with a German-Jewish refugee and Chinese, was taken into custody by the Japanese Naval Landing Party authorities early on the morning of September 9 after a man named Ting Shucheng had died following an alleged brawl in his home.

He was later handed over to the Shanghai Municipal Police but the German-Jewish refugee and the Chinese, whose name was stated to be Li Yen-min, were kept in custody by the Japanese authorities. Morris, after questioning, was cautioned and charged with manslaughter by the Municipal Police authorities.

The first witness to be called yesterday was Wang Ah-san, at present unemployed, living at Lane 74 (Tsing Yang Li) 56 Yangtsepoo Road. Answering Mr. G. H. Wright, for the prosecution, he said that on September 8 he was at the entrance of an alleyway eating noodles. Before this he had been playing a game of sparrows (mah jong) at Lane 74, No. 70 Yangtsepoo Road, this house being next door to No. 68. At about 2.15 a.m. he left the game and went to buy the noodles.

Translation Questioned

At this point Mr. H. A. Reeks, for the defence, questioned the interpreter's translation. Mr. Wright exclaiming: "This is impossible." "I'm only trying to help you" stated Mr. Reeks. Addressing Mr. Reeks, the Registrar stated "If you want to question this interpreter, why don't you have one sworn so that you can check up and then we can listen to you?"

Continuing his evidence, witness said that the hawker's stall was just opposite No. 68. While he was eating his noodles at the stall he saw two foreign and a Chinese knocking at the door of No. 68 after entering the lane from Baikal Road (North end). They entered the house but he did not know what happened inside.

Then the proprietor of the house was pushed outside and a foreigner, the taller one, assaulted him. The proprietor of the house, witness added, was holding a broom and, as he was hit with clenched fists on the chest and chin, he exclaimed "Mister, thank you I am an employee." The Chinese with the two foreigners then abused him and the same foreigner beat him more severely. At this point witness was asked if he had been able to recognize the foreigner and he replied: "It was dark and I could not see very clearly."

An Objection

After making this statement he said that he was able to identify the foreigner and he pointed to accused in the dock. Mr. Reeks objected to this. Witness then continued that the two foreigners and the Chinese went away towards Baikal Road, leaving the assaulted man lying in the alleyway groaning. His position, witness said, was between No. 53 and 68.

"I saw that the man was dying so I made a report," he continued. "I wanted to make a report to the police station but I was stopped by a Japanese soldier opposite Ways' Wharf. I told him that a man had been beaten to death in Tsing Yang Li alleyway. The Japanese soldier came to the entrance of the alleyway where there was a crowd and the assaulted man's daughter was crying."

The two foreigners and the Chinese were then arrested by Japanese soldiers, witness stated, and taken to House 56, which was where he lived. After the evidence had been read over, witness added that the Chinese with the foreigners wanted to take off his coat to beat the Chinese himself. He exclaimed, witness alleged, "I will kill you in ten minutes. We come from the Shanghai Municipal Council."

Hearing Adjourned

Wei W. e-sing told the Registrar that he sold noodles with beef. On September 8 his stall was in the Tsing Yang Li alleyway. The previous witness was then asked to step forward and he was identified as the man who had bought the noodles. Mr. Reeks objected to the method of identification.

Continuing, witness said that the man bought the noodles at about 11 a.m. He saw two foreigners and a Chinese, a short distance away from his stall and one foreigner, whom he could not identify, was beating the proprietor of House 68 with his clenched fists. The proprietor, he added, fell to the ground near his stall and witness then packed it up and carried it away. He did not see the Chinese strike the man. The hearing was adjourned until Monday.

SEP 22 '39

Witnesses Say Morris Hit Deceased With Fists

**Two Eye-Witness Accounts Of Struggle; Chinese
Shouts "I Will Kill You In Ten Minutes";
Other Foreigner Did Not Fight**

The preliminary examination of Mr. John Dudley Morris, of the S.M.C., Public Health Department, on a complaint of manslaughter was continued in the British Police Court yesterday morning before the Registrar, Mr. C. H. Haines, when two more Chinese witnesses gave evidence. They were an unemployed Chinese and a food hawker, who stated that they saw the accused striking the deceased with his fists until the latter fell down.

One of the witnesses claimed that he heard the Chinese member of the trio shout, "I will kill you in ten minutes." He called the Japanese soldiers, and when they returned they found the victim of the assault lying dead in the lane. Mr. G. H. Wright appeared for the S.M.P., and Mr. H. A. Reeks for the accused.

The first witness to take the stand yesterday was an unemployed Chinese named Wang Ah-san of House No. 56, Lane 74, Baikal Road. He said that he had been playing mahjong in House No. 70, which is next door to No. 68, the brothel owned by the deceased. "At about 2.15 in the night, I left the house to buy noodles from a stall, which was just opposite the house on the other side of the alleyway," he added. As I was eating noodles, I saw the two foreigners and the Chinese enter House 68. They had come from Baikal Road."

Struck With Fists

"About 10 minutes later the proprietor of House 68 was pushed out into the lane. He was holding a broom. Then the taller foreigner beat him with clenched fists. He struck him mostly on the chest and also on the chin. The proprietor said 'Thank you, mister, thank you. I am an employee,' while he was being struck. The Chinese then hurled abuse at the deceased and the foreigner beat him more severely. The Chinese shouted 'I will kill you in 10 minutes' and started to take off his jacket in order to beat the proprietor. He also said that they had come from the Municipal Council."

The witness stated that he could not see very clearly, but could iden-

tify the foreigner, and pointed to the accused in the dock. Continuing with his story he told the Registrar that the three men then left and went away towards Baikal Road, leaving the proprietor lying in the alleyway groaning. The witness said that the deceased was lying on the opposite corner of the lane between Houses 53 and 56. "I saw the man was dying, and so I went to report to the Police Station, but I was stopped by a Japanese soldier opposite Wayside Wharf and asked what was the matter."

"I replied that a man had been beaten to death at Tsing Yang Li, the Chinese name for Lane 74. The Japanese soldier came back with me to the lane and arrested the two foreigners and the Chinese. There was plenty of talk, and then more Japanese soldiers came along. The three visitors were taken into House 56, the house where I live, while the proprietor was still lying on the ground." The witness stated that he did not know the name of the noodles seller. Mr. H. A. Reeks reserved his cross-examination.

Noodles Seller's Story

Wei Yue-sing, the food hawker, next took the stand. He said he sold noodles and beef for a living from his portable stall. On the night of September 8, he was in the lane called Tsing Yang Li and he identified the first witness as a customer who came to buy noodles that night after 2 o'clock. The first time he noticed the three visitors, they were fighting "One foreigner was beating the proprietor a short distance from my stall," he told the court. "I saw only one foreigner fighting, but I cannot identify him. He beat the deceased with his fists, and then the proprietor fell down right beside my stall. I packed up my stall and went away. I did not see anyone touch the deceased while he was lying on the ground, nor did I see the Chinese fight the proprietor."

Again Mr. Reeks reserved his cross-examination, and the hearing was adjourned until Monday, September 25, at 10 a.m.